

REMARKS

Claims 1-13 are pending.

Claims 1, 7, and 13 stand rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness due to a perceived incorrect logic as explained on page 2 of the Action. The Action also objects to claims 2-6 and 8-12 due to the indefiniteness rejections of claims 1 and 7.

The Action's explanation of the rejections appears to reflect a misapprehension of the invention. In the event that vehicle speed or torque is not decreasing despite an earlier decrease of the vehicle's speed, the cause is likely to be the vehicle's rolling downhill or some other external cause. For safety's sake, then, the shut down procedure is delayed or extended until that condition ends. That is to say, the vehicle is allowed to operate at reduced power temporarily while it rolls down hill. Then, when the vehicle reaches a threshold speed, shut down can be completed. This is described in the application on pages 6-8, for example.

Accordingly, it is respectfully submitted that claims 1, 7, and 13 are not indefinite, and it is respectfully requested that the rejections for indefiniteness be reconsidered and withdrawn.

Claims 1-13 also stand rejected under 35 U.S.C. § 102(b) for anticipation by U.S. Patent No. 6,072,248 to Muise et al. ("Muise"). (It is noted that the Action mis-cites Muise as Patent No. 5,758,306.) These rejections should be reconsidered and withdrawn because Muise does not disclose all of the features of the claims.

For example, claim 1 recites "if the monitored at least one of the speed and torque is not decreasing, enabling the engine of the vehicle to operate at a reduced power level". As described above in connection with the indefiniteness rejections, such monitoring improves the safety of the vehicle control method. Comparable features are recited in the other independent claims 7 and 13. Muise does not disclose or even suggest monitoring speed or torque for not decreasing.

Muise discloses a method and system that enables police vehicles in pursuit of other vehicles to stop the engines of those other vehicles. The description of Muise in the Action apparently reflects the mis-understanding of the claims that was described above. Nowhere in Muise is there a description of enabling the engine of a vehicle to

operate at a reduced power level if the monitored speed and/or torque is not decreasing.

Because Muise fails to disclose every element recited in the independent claims, Muise does not anticipate those claims, and accordingly, it is respectfully requested that their rejection for anticipation be reconsidered and withdrawn. In view of these differences, it is unnecessary to point out the additional features required by each of the pending dependent claims that are also not disclosed by Muise and that support each dependent claim's respective patentability over Muise. Therefore, it is also respectfully requested that the rejections of claims 2-6 and 8-12 be reconsidered and withdrawn.

It is believed that this Amendment has placed the application in condition for allowance, and an early Notice of same is respectfully solicited. If the Examiner has any questions, the undersigned attorney may be telephoned at the number given below.

Respectfully submitted,

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